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Dkt. 57477-A-PCT-US/JPW/SHS/MVM

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas M. Jessel et al.
Serial No.: 09/820,598
Filed : March 29, 2001
For : GENE ENCODING MNR2 AND USES THEREOF

1185 Avenue of the Americas
New York, New York 10036
August 10, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Box Missing Parts

Sir:

COMMUNICATION IN RESPONSE TO JUNE 12, 2001 NOTICE
TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED

This Communication is submitted in response to a June 12, 2001 Notice to File Missing Parts of Application - Filing Date Granted issued by the United States Patent and Trademark Office in connection with the above-identified application. The Notice provides a period of two months for filing a response. Therefore a response is due on August 12, 2001. Accordingly, this Communication is being timely filed.

The Notice to File Missing Parts of Application indicates that the oath or declaration is unsigned. Applicants attach hereto a copy of the Notice as **Exhibit A**. In response, applicants submit as **Exhibit B** a signed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(f). In compliance with 37 C.F.R. §1.63, the Declaration refers to the application's above-identified serial number and filing date.

The Notice indicates that to avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 C.F.R. §1.16(e) of \$65.00 for a small entity in compliance with 37

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C.F.R. §1.27, must be submitted with the missing items identified in this letter.

In response, applicants maintain that small entity status was applicable at the time of filing and that such status still applies. In support, applicants attach hereto a Verified Statement (Declaration) Claiming Small Entity Status Under 37 C.F.R. §1.9(f) and §1.27(d) (Non-Profit Organization) for The Trustees of Columbia University in the City of New York (**Exhibit C**). The Statement is signed by the authorized official of the entity which has rights in the subject application, namely The Trustees of Columbia University in the City of New York.

Accordingly, applicants owe a \$65.00 surcharge for a small entity and enclose a check which includes this amount.

The Notice indicates that this application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR §1.821(e), §1.821(f), §1.821(g), §1.825(b), or §1.825(d). The Notice indicates that applicants must provide such statement.

The Notice indicates that a copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. §1.821(e). The Notice indicates that applicants must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR §1.821(e), §1.821(f), §1.821(g), §1.825(b), or §1.825(d). The Notice indicates that if the applicants desire the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and

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Trademark Office, such request in accordance with 37 CFR §1.821(e) may be submitted in lieu of a new CRF.

In response, applicants without conceding the correctness of the Examiner's position but to expedite prosecution of the subject application enclose a computer diskette containing the sequence listing in computer readable form. Applicants attach hereto, as Exhibit D a paper copy of the computer readable form of the sequence listing. Applicants attach hereto as Exhibit E a Statement in Compliance with 37 C.F.R. §1.821(f) certifying that the computer readable form contains the same information as the paper copy of the sequence listing attached as Exhibit D. The sequence listing does not contain any new matter.

In addition, in the event that the United States Patent and Trademark Office charged any fees in addition to those required, applicants hereby request a refund for any such fees. This refund should be credited to Deposit Account No. 03-3125 under Docket No. 57477-A-PCT-US.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone either of them at the number provided below.

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No fee other than the enclosed \$65.00 surcharge is deemed necessary in connection with the filing of this Communication. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Spencer H. Schneider
Registration No. 45,923
Attorneys for Applicants
Cooper & Dunham, LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

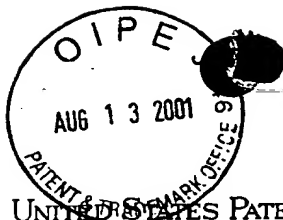
I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, ATTN: Box Missing Parts.



8-10-01

John P. White
Reg. No. 28,678
Spencer H. Schneider
Reg. No. 45,923

Date



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

CONFIRMATION NO. 5690

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036



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Date Mailed: 06/12/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
 - To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
 - **The balance due by applicant is \$ 65.**
-
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

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- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE
